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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,639	08/06/2003	Robert S. Meijer		1638
32601	7590	11/28/2005		
MAJOR MONITORS 9052 GERALDINE PLACE SAN DIEGO, CA 92123-3014			EXAMINER TWEEL JR, JOHN ALEXANDER	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/604,639	Applicant(s) MEIJER, ROBERT S.	
	Examiner John A. Tweel, Jr.	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8 and 11 is/are rejected.
- 7) ☒ Claim(s) 5,7,9,10 and 12-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This Office action is in response to the amendment filed 8/8/05. Claims 1-18 have been amended.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Soloway et al** [U.S. 6,225,903].

For claim 1, the lockset tampering detection device taught by **Soloway** includes the following claimed subject matter, as noted, 1) the claimed sensing circuitry is met by the sensor command unit (No. 30) that determines whether a lockset has been tampered with directed at defeating the locking means, 2) the claimed means to determine if the lockset is open or locked is met by the deadbolt position indicator switch (No. 49) which determines whether the bolt (No. 20) is open or locked, 3) the claimed means to signal a tampering alarm is also met by the sensor command unit as well as the alarm control panel (No. 70) to signal an alarm upon tampering with the lock bolt.

For claim 2, the method of arming or disarming a lockset tampering detection device having sensing circuitry taught by **Soloway** includes the following claimed steps, as noted, 1) the claimed arming the lockset is achieved using the sensor command unit (No. 30) that arms a system upon locking of the door (No. 10) when the user leaves the

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premises (Col. 7, Ln. 57-Col. 8, Ln. 2), and 2) the claimed disarming the detection device is met using the same command unit (Col. 8, Lns. 3-9).

For claim 3, the operative connection between the command unit (No. 30) and the bolt (No. 20) of **Soloway** is a magnetic Reed switch (No. 54) disposed in the bolt cup (No. 50).

For claim 11, the detection device of **Soloway** is part of a multi-zone security system (Col. 7, Lns. 11-25) and uses several LED displays to indicate the status of the bolt, whether disarmed or armed. Further displays also indicate alarm status.

4. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soloway et al.**

For claim 6, the device of **Soloway** does not mention an easily installed ribbon cable with integral contacts, just a group of wires (No. 32) as the interconnection between a panel (No. 70) and the sensor command unit (No. 30).

Ribbon cables have been used for some time in electronics to install a group of wires in a limited amount of space. For a system such as Soloway, a ribbon cable is ideal to allow the needed connections in a space as small as a doorjamb. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include ribbon cable as the wiring of Soloway for the purpose of using a common and well known wiring assembly.

For claim 8, the method of **Soloway** does include a short time delay to preclude an immediate tampering alarm upon locking the bolt (Col. 7, Lns. 32-36) as well as an

audible beep upon the clearing of a "just locked" condition to announce the device is in its armed state. However, there is no mention of a "just locked" bit to replace operation at the end of a time delay.

Bits are the basic building blocks of computer information. The use of one in a claim to define a status condition is not considered a patentable innovation, as bits are common and used quite often in computer instruction. It is a known fact that some bit would be required at the end of the delay time to signal the armed state, this being an obvious property of electronic and computer equipment, as the Soloway system is.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Soloway** in view of **Guim et al** [U.S. 5,680,094].

For claim 4, the system of Soloway includes the claimed subject matter as discussed in the rejection of claim 1 above. However, there is no mention of activating an alarm when a successful operation of unlocking is not performed with certain time limits.

Activating alarms outside of certain time limits is not new in the security field and definitely not new in lockset apparatus. The key sensor alarm for door locks taught by **Guim** includes a key reminder device that activates an alarm when a key remains in a lock mechanism for longer than a predetermined time. One advantage of this system is to remind people to take their keys with them so that a burglar may not get the keys to use on the house later. Also, someone picking a lock would activate the key reminder device and activate the alarm if the pick were left in for a certain amount of time.

Both references pertain to alarm systems having deadbolt locks and the methods to frustrate burglars or criminals. The locking system needed to enact the alarm of Guim is already in place with the system of Soloway in that the lock with deadbolt is already present. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an alarm having a time limit for the purpose of increasing the security of the system.

### ***Response to Arguments***

#### ***Argument 1:***

"The magnets that **Soloway's** 'anti-tampering' guards against have no affect [sic] conventional [sic] locks - they serve instead to hold closed the reed switches that otherwise open upon retreat of permanent magnets affixed to protected doors or windows. All such reed-switch-based alarm systems have an obvious and well-known vulnerability to strong external magnets that may be utilized to maintain the reed switch in its closed (safe) position - even as the associated door or window, with attached magnet, is opened...Nothing is taught by **Soloway** with respect to preclusion of typical lockset assaults, most conveniently characterized as requiring significantly more time than legitimate key insertion and rotation."

6. Applicant's arguments filed 8/8/05 have been fully considered but they are not persuasive.

***Response to Argument 1:***

Whether an assault is “conventional” or “typical” is not the point. The **Soloway** reference still results in an alarm upon an intruder gaining access to the interior of a home. Further, the reed switch and deadbolt position switch the applicant refers to of Soloway still can result in tampering with the lockset system. Therefore, merely including the claim language “directed at defeating” the lockset is immaterial as the alarm itself is a signal of the lockset’s defeat.

7. Claims 5, 7, 9, 10, and 12-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The independent claims as currently presented are too broad to merit patentability. A simple tampering alarm with bolt detector as presented above reads on the current claims. The objected claims introduce subject matter more specific such as the capacitance between the lockset and a reference conductor or the multi-zone system with a plurality of tampering detection devices and the concurrent or rapid sequential determination of the state of each lockset device. These are considered unobvious in light of the prior art.

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT  
11/22/05

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke.

**JOHN TWEEL**  
**PRIMARY EXAMINER**